

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 18, 2012

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance were Superintendent Strittmatter, Captain Fulford and Executive Secretary Kowalski.

Bart Herriman, Chris Engel, Matt Brase, Connie Vickery, Alex Intermill, Jeff McKean, Marc Carmichael, and Chip Garver were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the September 4, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve the parties' agreed dispositions that were submitted for the September 18, 2012 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted. Commissioner Guthrie seconded. The motion was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Four hundred forty-seven (447) permits approved for renewal, thirty-nine (39) new and/or transfer permits approved, three (3) permits approved for catering, three (3) permits approved for first year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for sixth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Guthrie seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR05-29024 LEME ENTERPRISES, INC., D/B/A COUNTRY CORNER RESTAURANT – Commissioner Guthrie noted this is a new type 111 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL30-28989 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR49-24057 CHARAFA D. SALIOU, D/B/A HOOKA LOUNGE CALI BOGALOO – Commissioner Guthrie noted this is a type 111 transfer of ownership with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board and deny the transfer of the permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-28675 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL50-29164 SUNNY GROCERY MART, INC. – Commissioner Guthrie noted this is a new type 116 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL45-29123 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL45-29131 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie stated that at the subsequent final inspection it was discovered that this location is only 98 feet from a church and, therefore, does not qualify as a location to hold an alcoholic beverage permit.

Chairman Huskey stated that the Commission received a written notice from someone wanting to remonstrate.

Commissioner Guthrie moved to overturn the local board and deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES – Vice Chairman Johnson moved to make seven (7) permits inactive. Six (6) permits are not subject to auction and one (1) permit is subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

### **OLD BUSINESS**

PERMIT #124694 BRIAN G. WILLIAMS, D/B/A INDIANA GAME SALES – Vice Chairman Johnson noted this permittee holds a distributor license; however, the renewal was denied because Mr. Williams has a felony conviction and did not meet any of the exceptions allowed for renewal of this permit. The permittee was advised at that time what he needed to do to meet one of the exceptions allowed to renew his permit.

Vice Chairman Johnson moved to approve renewal of the permit due to the fact that the permittee provided the Commission with the proper documentation that allows him an exception, even with the felony conviction. Commissioner Guthrie seconded. The motion was unanimously approved.

### **NEW BUSINESS**

REVOCATION OF EMPLOYEE PERMITS – Commissioner Guthrie stated the following permittee was convicted of a disqualifying crime after the employee permit was issued: Brittany A. Blackford, permit #BR1726411.

Commissioner Guthrie stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Commissioner Guthrie moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RC43-00090 V & B COUNTRY CLUB, INC., D/B/A STONEHENGE GOLF & COUNTRY CLUB – Commissioner Guthrie stated the Commission received a request to convert this type 211-1 club permit

to a type 210 restaurant permit. The Commissioner noted that both permit types share the same quota spot, so this would not cause a problem in that regard.

Commissioner Guthrie moved to approve the conversion. Commissioner Sturtz seconded. The motion was unanimously approved.

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

No Announcements

**ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER